

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

FAIR ISAAC CORPORATION,

CIVIL NO. 16-1054 (WMW/DTS)

Plaintiff,

v.

ORDER

FEDERAL INSURANCE COMPANY,

Defendant.

Allen Hinderaker, Esq. and Heather Kliebenstein, Esq., Merchant & Gould PC, 80 South Eighth Street #3200, Minneapolis, MN 55402 for plaintiff.

Nikola Datzov, Esq. and Lora Friedemann, Esq., Fredrikson & Byron, PA, 200 South Sixth Street #4000, Minneapolis, MN 55402 for defendant.

This matter is before the Court on Defendant's Motion to Compel Discovery [Docket No. 49], Plaintiff's Motion to Compel Discovery [Docket No. 58], and the parties' Joint Motion to Amend the Pretrial Scheduling Order [Docket No. 74]. The Court held a hearing on the motions on February 14, 2018. Based on the motions, the parties' written submissions, the oral argument at the hearing, and for the reasons stated in the Court's ruling from the bench at the hearing, the Court enters the following Order.

IT IS HEREBY ORDERED THAT:

1. Defendant's Motion to Compel [Docket No. 49] is GRANTED IN PART and DENIED IN PART as follows:
 - a. Regarding Request Nos. 16-19, the motion is granted.
 - b. Regarding Request No. 13, the motion is denied.

c. Regarding Defendant's objection to Plaintiff's redactions of documents based on grounds other than privilege (specifically, on grounds of relevance), the motion is denied as moot based on Plaintiff's representation at the hearing that production of documents containing such redactions was an oversight. Plaintiff agreed that all documents it produced that were improperly redacted, i.e., based on relevance, have been or will be re-produced without such redactions; and that all documents redacted on grounds of privilege will be identified on a privilege log.

d. Regarding Interrogatory Nos. 6-9, the motion is granted. Plaintiff must supplement its responses and, in each response, must state the category of damages, the calculated amount, and the arithmetic of the calculation, consistent with Plaintiff's briefing. Plaintiff is not limited to these figures at trial.

2. Plaintiff's Motion to Compel [Docket No. 58] is GRANTED IN PART and DENIED IN PART as follows:

a. Regarding Request Nos. 30-32, the motion is granted.

b. Regarding Interrogatory No. 6, the motion is granted only to the extent that Defendant must identify persons with knowledge of revenues and profits of divisions or entities that use Blaze Advisor software. Defendant's response is not to be construed as an admission that the revenues or profits are attributable to Blaze Advisor.

c. Regarding Interrogatory No. 4, the motion is granted in part and denied in part. The motion is granted to the extent that Defendant must identify the divisions or entities that use each application in which Blaze Advisor is used.

The motion is denied as overbroad with respect to subparts a and b. The parties shall meet and confer in an attempt to narrow subparts a and b and, if they are unable to reach an agreement, Plaintiff must re-draft those subparts.

3. The Joint Motion to Amend Pretrial Scheduling Order [Docket No. 74] is GRANTED. The Court will issue a separate Amended Pretrial Scheduling Order that contains the dates provided to the parties at the hearing.

Dated: February 16, 2018

s/ David T. Schultz
DAVID T. SCHULTZ
United States Magistrate Judge